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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILD HORSE EDUCATION, a non-profit  
corporation; and LAURA LEIGH,  
individually,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
INTERIOR, BUREAU OF LAND  
MANAGEMENT, and JON RABY, Nevada  
State Director of the Bureau of Land  
Management,

Defendants.

CASE NO. 3:23-cv-00372

**PLAINTIFFS' OPPOSITION TO  
FEDERAL DEFENDANTS' MOTION  
TO SET SCHEDULE FOR PLAINTIFFS'  
REQUEST FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

Complaint Filed: July 26, 2023

Plaintiffs Laura Leigh, individually, and Wild Horse Education, a non-profit corporation,  
by and through their counsel, Danielle Holt, Esq., oppose Defendants United States Department

1 of Interior, Bureau of Land Management, and Jon Raby, Nevada State Director of the Bureau of  
2 Land Management (“Defendants”) Motion to Set Schedule for Plaintiffs’ Request for Temporary  
3 Restraining Order and Preliminary Injunction.

4 **DECLARATION OF DANIELLE HOLT IN SUPPORT OF PLAINTIFFS’**  
5 **OPPOSITION TO FEDERAL DEFENDANTS’ MOTION TO SET SCHEDULE**

6 STATE OF NEVADA )  
7 ) ss.  
8 COUNTY OF CLARK )

9 I, Danielle Holt, being duly sworn, declare as follows:

10 1. I am a resident of the state of Nevada and a licensed attorney, licensed to practice  
11 in the District Court for the District of Nevada. I represent Plaintiffs Wild Horse Education and  
12 Laura Leigh in this matter.

13 2. On July 26, 2023, Plaintiffs filed their Complaint providing notice that a  
14 Temporary Restraining Order was imminent. (*See* ECF No. 1 Plaintiffs’ Complaint).

15 3. Federal Defendants’ counsel reached out to Plaintiffs’ counsel to conduct a phone  
16 call on July 27, 2023, and during that telephone call the next day, Federal Defendants’ counsel  
17 specifically asked about an impending Temporary Restraining Order.

18 4. On July 27, 2023, Plaintiffs’ counsel notified Federal Defendants’ counsel that a  
19 Temporary Restraining Order would be filed on July 31, 2023.

20 5. The Temporary Restraining Order was then filed on August 1, 2023.

21 6. Federal Defendants now request that they be provided with seven (7) additional  
22 days to respond to Plaintiffs urgent request for relief, with a hearing not until August 10, 2023.

23 7. The purpose of a TRO and injunctive relief is to deter and prevent future harm.  
24 Such a request goes against the purpose and function of a TRO request for urgent and immediate  
25 relief. *See* FRCP 65.  
26

9. If this Court allows the BLM to continue this gather, and in accordance with Federal Defendants Motion to Set Schedule, the gather in the Antelope Complex may well be over before the Court hears the merits of Plaintiffs' claims.

11. I declare under penalty of perjury the foregoing to be true to the best of my knowledge and recollection.

DATED this 2nd day of August, 2023.

/s/ Danielle Holt  
Danielle Holt

<sup>2</sup> See *Gather Status*, 2023 Antelope Complex-North Wild Horse Gather, [2023 Antelope Complex-North Wild Horse Gather | Bureau of Land Management \(blm.gov\)](#) (last visited August 2, 2023).

1                   **OBJECTION TO FEDERAL DEFENDANTS' MOTION TO SET SCHEDULE**

2                   Plaintiffs respectfully request that this Court DENY Federal Defendants' Motion to Set  
3                   Schedule for Plaintiffs' Request for Temporary Restraining Order and Preliminary Injunction  
4                   and issue Plaintiffs requested relief pending a hearing on the matter due to the nature of the  
5                   continuing harms and blatant disregard for humane handling practices by BLM in violation of  
6                   the Wild Free-Roaming Horses and Burros Act. 16 U.S.C. § 1331, *et seq.*

7                   Federal Defendants have been on actual notice of this TRO since July 27, 2023. (*See*  
8                   Declaration of Danielle Holt above). Thus, Federal Defendants have had ample time to prepare  
9                   for Plaintiffs request for TRO and preliminary injunctive relief. The likely reason for Defendants  
10                  to request this schedule is obvious: ***the Antelope Complex Wild Horse Gather could very well***  
11                  ***be over within the week if no TRO is issued.*** In the last seven (7) days, the BLM has captured  
12                  seven hundred and two (702) horses.<sup>3</sup> As of today, August 2, 2023, there are only approximately  
13                  seven hundred (700) horses left on the range to capture to meet BLM's quota.<sup>4</sup>

14                  The irreparable harm to Plaintiffs due to the BLM's actions in (1) disregarding their own  
15                  policies, procedures, and the law in continuing to gather and remove wild horses inhumanely in  
16                  violation of the Wild Free-Roaming Horses and Burros Act; and (2) preventing Plaintiffs access  
17                  to view the trap and temporary holding corrals in violation of their First Amendment rights will  
18                  continue until the end of the gather, which will conclude prior to the date Federal Defendants  
19                  wish to respond to Plaintiffs urgent request for relief. Plaintiffs requested relief is not  
20                  unprecedented nor unreasonable given the continued abusive actions of the BLM in  
21                  

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23                  

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<sup>3</sup> *See Daily Gather Reports*, 2023 Antelope Complex-North Wild Horse Gather, [2023 Antelope  
24                  Complex-North Wild Horse Gather | Bureau of Land Management \(blm.gov\)](https://www.blm.gov/press-releases/2023/08/02/2023-antelope-complex-north-wild-horse-gather) (last visited August 2,  
25                  2023).

26                  <sup>4</sup> *See Gather Status*, 2023 Antelope Complex-North Wild Horse Gather, [2023 Antelope Complex-  
North Wild Horse Gather | Bureau of Land Management \(blm.gov\)](https://www.blm.gov/press-releases/2023/08/02/2023-antelope-complex-north-wild-horse-gather) (last visited August 2, 2023).

1 contravention with the Wild Free-Roaming Horses and Burros Act and Plaintiffs First  
2 Amendment rights.

3 Accordingly, Plaintiffs respectfully request this Honorable Court DENY Federal  
4 Defendants' Motion to Set Schedule and grant Plaintiffs requested relief in the form of a TRO  
5 and preliminary injunction prior to a hearing. In the alternative, Plaintiffs respectfully request  
6 this Honorable Court DENY Federal Defendants' Motion to Set Schedule and set a hearing as  
7 soon as possible, but not later than tomorrow, August 3, 2023, and allow oral argument on the  
8 merits of Plaintiffs requested emergency relief.  
9

10 DATED: August 2, 2023

Respectfully Submitted,

11 /s/ Danielle M. Holt  
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